

CITY COUNCIL MINUTES
January 14, 2008
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, January 14, 2008 at 6:00 p.m. with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Bob Snyder, Kevin Hanley, J. M. Holmes, Bridget Powers, Keith Nesbitt

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson. City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Police Chief Valerie Harris

By **MOTION** adjourn to a Closed Session under Government Code section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Nesbitt congratulated the City Manager for his production of Blazing Saddles at the Chamber of Commerce and Cindy Eckland as the new president of the Chamber.

AGENDA APPROVAL

City Manager pulled Item 3 for discussion and asked that Item 7 from the agenda, and tabled indefinitely.

CONSENT CALENDAR

1. Warrants

By **RESOLUTION 08-2** approve Warrants # 67832 – 68236 totaling \$1,724,280.04

2. Adoption of a “Wobbler” Ordinance – 2nd Reading

Removed from Consent Calendar by Council Member Hanley. Item follows Consent Calendar.

3. Placer County Water Agency – Stairway Easement

Item follows Consent Calendar.

4. 2006 – 07 Street Overlay Project, Phase 2

By **RESOLUTION 08-4** authorize the recording of a Notice of Completion for the 2006-07 Street Overlay Project, Phase 2.

5. Ordinance Proving for Appointment of Fire and Police Chiefs by City Manager – 2nd Reading

By **ORDINANCE 08-02** amend Sections 32.110 and 32.126 of the City of Auburn Municipal Code to read as set forth in Exhibit A attached to the ordinance and incorporated as part of the ordinance by this reference.

6. City of Auburn Investment Policy Annual Adoption

By **RESOLUTION 08-5** approve and adopt an Investment Policy to organize procedures and processes which enhance opportunities for a prudent and systematic investment effort and formalize investment-related activities on behalf of the City of Auburn.

7. City of Auburn Technical Resources Policy

Tabled indefinitely.

8. Approval of Reallocation of Existing Positions within the Police Department to Increase the Dispatch Center Service Levels

By **RESOLUTION 08-6** approve the proposed decreased staffing level in police records and reallocate these existing position hours to the dispatch center thus creating a full time dispatcher position. This adjustment in defined service will provide a higher level of service to meet the ever increasing demand placed upon dispatch personnel.

9. **Chamber of Commerce Request for Economic Development Commission Funds for the Festival of Lights Parade**

By **RESOLUTION 08-7** approve the request from the Auburn Chamber of Commerce for \$1,000 in Economic Development Commission Funding in support of the Auburn 2007 Festival of Lights Parade.

10. **Approval of Service Contract for Citywide Pre-Employment Background Investigations**

By **RESOLUTION 08-8** approve the services contract with Morello Investigations Services for pre-employment background investigations to be conducted on all prospective new hires for the City.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar excluding Items 2, 3 and 7.
Holmes/Hanley/Approved 5:0

2. **Adoption of a “Wobbler” Ordinance – 2nd Reading**

Council Member Hanley advised that he and another Council Member had voted “no” on the first reading. He stated that his main objection was that he would prefer to have it handled on an “ordinance by ordinance basis on whatever ‘wobbler’ is appropriate rather than by a blanket policy.”

Full reading was waived and the ordinance introduced for second reading.

City Attorney Colantuono stated that “this is a common feature of Municipal Codes.” He advised that it allows the City prosecutor to make a judgment in a case as to whether or not it is a serious violation of the code. He explained that, otherwise, it is treated as a misdemeanor with the possibility of a jury trial, and the possibility of a \$1000 fine and 30 days in jail. He said that applicable cases, treated as an infraction, would lower the cost of code enforcement disputes since the purpose of code enforcement program is to induce people to comply with the rules.

City Attorney Colantuono stated that the alternative to a Wobbler Ordinance is to draft penalty clauses for each individual code violation

wherein each misdemeanor and infraction is defined in each case and those ordinances where a wobbler is appropriate are identified. However, he advised that it is a much more costly process. City Attorney Colantuono recommended approving the Wobbler Ordinance.

By **ORDINANCE 08-01** amend the Auburn Municipal Code to authorize the City Prosecutor to charge violations of the Auburn Municipal Code as infractions rather than misdemeanors in appropriate cases. **MOTION: Holmes/Nesbitt/Approved 4:1 (No Hanley)**

3. **Placer County Water Agency – Stairway Easement**

City Attorney Colantuono stated that Placer County Water Agency (PCWA) wants an easement to construct a staircase next to one of the City's facilities to provide better access to the PCWA facility. He said there is no reason not to provide that easement but the agreement needed to be detailed regarding liability. He recommended approving the easement subject to staff negotiating a stronger form that "will protect the City from a risk management perspective."

By **RESOLUTION 08-3** adopt Exhibit A and B, a Grant of Easement to Placer County Water Agency for the Staircase Easement, amended to add a stronger form for liability issues that might arise. **MOTION: Snyder/Powers/Approved 5:0**

11. **Public Comment**

None

PUBLIC HEARING

12. **Introduction of Fire Hazard Severity Zone and Fire Safe Standards Adoption – 1st Reading**

Fire Chief Mark D'Ambrogi introduced the item. He advised that by AB337, the Bates Bill, each local entity is required to adopt or amend very high fire severity zones and fire safe standards to buildings and defensible space for wildland interface. CA Fire has mapped the entire state and designated fire zones. He said there are two components to the ordinance. One component is identifying the fire zones and the other is developing fire safe standards. Auburn has three zones which have been identified as very high, high and moderate severity zones.

As part of the fire safe standards, Chief D'Ambrogi said that essentially Chapter 7 of the Building Code is being presented as part of the municipal code. He said that changes have been made to be consistent with Placer

County. Placer County requires all roofing to be class A rating and structures to be ignition resistant. He also said the defensible space will change to 100' or up to 200'.

Council questions and discussion followed.

Council Member Snyder asked Chief D'Ambrogi to devise a plan to maintain the shaded fuel break in the event that CA Fire can no longer do it due to limited resources.

By **MOTION** introduce for a first reading, by title only, an ordinance to amend the Auburn Municipal Code to designate Fire Hazard Severity Zones and implement Fire Safe Standards to regulate wildfire protective measures within the boundaries of the City of Auburn. **MOTION: Hanley/Powers/Approved 5:0**

13. **Approval of Fire Department Fee Schedules**

Fire Chief Mark D'Ambrogi introduced the Fire Department Fee Schedule, primarily for new development and new occupancy change. He said it is based on actual time and materials that personnel put into projects such as plan review, field inspections and related duties. He said the reasoning for the adjustment of fees is to reflect the actual cost of staff time.

City Manager Richardson advised that the City's fee structure does not come close to actual costs. He advised that fees have fallen behind over the years and will be brought to Council throughout the year. He said there is no policy that the City collects 100% reimbursement from its fees.

By **RESOLUTION 08-9** approve the Fire Department Fee Schedules; specifically, "Planning, Reviewing, Inspection and Related Services Fee Schedule" and "Fire Department Permit Fee Schedule." **MOTION: Holmes/Powers/Approved 5:0**

REPORTS

14. **Results of Annual Audit – Fiscal year 2006-07**

Administrative Services Manager Andy Heath introduced the item. He explained that the report is the City's Comprehensive Annual Financial Report for Fiscal Year 2006-07. He said it was put together by both staff and the City's external auditor. He explained the purpose and scope of the audit, the opinion, meaning and recommendations of the audit, the report organization, and certain selections from the report, focusing on the City's general and enterprise funds.

Council Member Snyder stated that it was important that the City build up matching funds for future airport projects. Mr. Heath advised that throughout the past months the Airport Manager has been renegotiating several airport leases that will positively impact airport revenue.

15. **City Council Committee Reports**

Council Member Hanley stated that about \$5000 was raised by the CC Riders for the Robert F. Conheim plaque at the train station. He said he will be meeting the Public Works staff regarding mounting of the plaque and an appropriate ceremony.

COUNCIL BUSINESS

16. **Department of Public Works – Healthy Auburn Waters Campaign**

Engineering Division Manager Bernie Schroeder introduced the item. She explained the launching of a campaign called “Healthy Auburn Waters.” She stated that the sanitary sewer management plan consultant agreement has a public outreach component to it. She said it is an educational program designed to teach businesses and residents what is appropriate and not appropriate to put down the sewers and stormdrains.

She said the program began with an insert in the Auburn Journal and the Sentinel. A flyer was also placed in the billing envelopes for Auburn Placer Disposal. Notice of the program will be put into the Journal’s Health and Welfare publication. The program may be incorporated in the annual creek walk, school presentations, and publicized at the fair. There will be a link on the City’s webpage to an informational guideline for citizens.

Council Member Holmes suggested the possibility of a more permanent presentation of the information be provided to the public, such as a refrigerator magnet. Council Member Snyder suggested, a kiosk, staffed by volunteers that would provide materials for citizens at public events. Council Member Holmes suggested that possibly the Youth Advisory Commission could assist with an outreach program.

17. **Air Quality Resolution**

Council Member Holmes stated that the issue was discussed at the previous meeting. There were some concerns about the initial wording of the resolution. He stated that it has been changed to reflect wording more appropriate to the City of Auburn. He said the wording now includes measures the City is implementing and encouragement to residents to help improve air quality in our area.

By **RESOLUTION 08-10** adopt steps to raise air quality. **MOTION:**
Hanley/Snyder/Approved 5:0

18. **Approval to Allow the Use of the City of Auburn Police Department Vehicle Artwork in the Production of Police Car Miniatures for Sale by J. Lloyd International, Inc. (dba: Hawk Models)**

Police Chief Valerie Harris introduced the item. She explained the request by a manufacturer to produce a limited edition of miniature replicas of a City police vehicle to be sold in the open market. She said the manufacturer, Hawk Models, produces other replicas of public safety vehicles and is interested in the Dodge Charger. She advised that there will be no profit to the City and that no more than six hundred replicas will be manufactured without additional approval. The City will be able to buy the models at cost. She asked for Council approval to allow City police vehicles to be replicated and sold.

Council Member Holmes if the paint will contain lead. Chief Harris advised that the products are manufactured in the United States and will not contain lead. Council questions and discussion followed.

By **RESOLUTION 08-11** approve the limited production of police specialty miniature cars by Hawk Models displaying the Police Department logo and graphic artwork. Hawk Models understands the City reserves the right to limit the distribution, deny artwork alterations, transfer of artwork to other companies, or use of this logo for any purpose without prior approval from the City. Hawk Models has provided written acknowledgement of these distribution limitations. **MOTION: Hanley/Holmes/Approved 5:0**

ADJOURNMENT

Mayor Nesbitt, without objection, adjourned the meeting in honor of Mr. Burlin and Mrs. Yamasaki at 7:30 p.m.

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk